

### **REMARKS**

This responds to the Office Action mailed on March 8, 2005.

No claims are amended or cancelled. Claims 1-15, 19, and 20 are pending in this application.

#### **§103 Rejection of the Claims**

Claims 1-15, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Blair et al.(U.S. 5,462,505) in view of Black (U.S. 2002/0092218-A1).

#### **Claims 1-8, and 19**

Applicant traverses the rejection of claims 1-8 since there is no suggestion in the art to combine the references as suggest by the Office Action. The Office Action states that “it would have been obvious to one of ordinary skill in the art to modify the open weave section of Blair et al with the image printed thereon as taught by Black (‘218) for the purpose of providing an advertising medium for the inflatable structure.”

Applicant traverses this reasoning. There is no suggestion in either reference of why the inflatable structure of Blair would need advertising. Blair discusses an inflatable designed for indoor use (see Col. 1, lines 41-45), and there does not appear to be any need for advertising on such an apparatus. The Black reference discusses advertising for a net at a sports venue, so as to augment revenues from advertising. (Paragraph [0009]). However, Applicant cannot find anything in the Blair reference or the Black reference that discuss any need for advertising or augmenting revenue for an inflatable. Accordingly, the Examiner’s suggestion appears to be a hindsight rationale, not reasoned from the references themselves. Applicant notes that the Federal Circuit has stated that “The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure.” *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143. The Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990).

Moreover, the Black reference is not analogous art to the present invention. Analogous art is all art that is either in the field of technology of the claimed invention or deals with the

same problem solved by the claimed invention even though outside the field of technology. *In re Wood*, 599 F.2d 1032, 202 USPQ 171 (CCPA 1979).

As discussed above, Black describes a sports advertising net. This is a different field than the inflatable of the claims. Moreover, Black deals with the problem of “providing adequate protection and augmenting revenues from advertising.” (Paragraph [0009]). In contrast, the present claimed invention recites an inflatable with an open weave section, wherein a surface of the open weave section includes an image printed directly on the surface. This helps to improve the appearance of a blank mesh wall of an inflatable by printing directly on the surface, which allows people inside the inflatable to still be able to see in and out. Thus, the Black reference is not analogous art because it is neither in the same field nor directed to the same problem solved by the claimed invention.

Claims 2-8 and 19 include each limitation of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 9-15, and 20

Claim 9 includes similar limitations to claim 1, and the above argument is incorporated herein by reference.

Claims 10-15 and 20 include each limitation of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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9/8/05

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of September, 2005.

Name

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